

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JONATHAN MITCHELL, individually
and on behalf of others similarly
situated,

Plaintiffs,

v.

VETERANS ALLIANCE, LLC,

Defendant.

Case No. 3:23-cv-00617-ART-CLB
ORDER GRANTING LEAVE TO FILE A
SURREPLY

Plaintiff Jonathan Mitchell brings this class and collective action seeking to recover unpaid wages from Defendant Veterans Alliance, LLC (“Veterans”). Veterans has moved to compel arbitration (ECF No. 17). Before the Court is Mitchell’s motion to strike (ECF No. 30). Mitchell requests that the Court strike or disregard new evidence Veterans included in its reply brief to the motion to compel, or in the alternative grant Mitchell leave to file a sur-reply. For the following reasons, the Court grants Mitchell leave to file a surreply.

In its motion to compel arbitration, Veterans argues that Mitchell agreed to arbitrate all claims related to his employment with Veterans pursuant to an arbitration agreement. (ECF No. 17.) In response, Mitchell claims that he does not recall ever seeing or signing such an agreement and argues that Veterans has failed to show that he signed the agreement. (ECF No. 28.) In reply, Veterans provides additional forensic evidence to support argument that Mitchell signed the agreement. (ECF No. 29.) Mitchell argues that by only including this evidence in their reply, Veterans have deprived Mitchell of the opportunity to respond. (ECF No. 30.) The Court finds that this additional evidence is new evidence to which Mitchell should have the opportunity to respond.

CONCLUSION

It is therefore ordered that Mitchell's motion to strike (ECF No. 30) is granted only insofar as it requests leave to file a surreply.

Mitchell is granted leave to file a surreply within 14 days of this order.

DATED: February 20, 2025

A handwritten signature in black ink, appearing to read "Anne R. Traum".

ANNE R. TRAUM
UNITED STATES DISTRICT JUDGE